

RESOLUTION NO. _____

A RESOLUTION OF INTENTION TO VACATE A PORTION OF WELLER LANE AND WINSOR STREET FOR ROADWAY AND PUBLIC SERVICE UTILITY EASEMENT PURPOSES, TO RESERVE AND EXCEPT FROM VACATION AN EASEMENT FOR PUBLIC SERVICE AND UTILITY PURPOSES, AND TO RESERVE AND EXCEPT FROM VACATION AN EASEMENT FOR (SBC) PACIFIC BELL TELEPHONE FOR COMMUNICATION FACILITY PURPOSES, NOTICE OF PUBLIC HEARING THEREON

WHEREAS, the City is the fee owner of the property located in the City of Milpitas, County of Santa Clara, California currently used for public roadway and public service utility easement purposes and more commonly know as Weller Lane and Winsor Street, a portion of which is more particularly described in Exhibit A; and

WHEREAS, the City has approved the design and construction of a new library and parking garage on a site at 160 N. Main Street adjacent to Weller Lane east of North Main Street, and the northern portion of Winsor Street; and

WHEREAS, the City Council has determined that the vacation of the subject portions of Weller Lane and Winsor Street will facilitate the completion of the library and east parking garage projects, and will be in the best interests of the City and the health, safety and general welfare of the residents and taxpayers of the City; and

WHEREAS, on September 28th, 2005, the City Planning Commission found the proposed vacation to be in conformance with the City's General Plan.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas as follows:

1. The City Council of the City of Milpitas does hereby declare its intention to vacate the subject roadway easement, roadway dedication, and public service and utility easements hereafter set forth.
2. This proceeding is conducted pursuant to Chapter 3, Part 3, "Public Streets, Highways and Service Easements Vacation Law" of the Streets and Highways Code of the State of California, commencing with Section 8329 thereof.
3. A description of the general location and extent of the subject roadway easement, roadway dedication, and public service and utility easement to be vacated is described and depicted on Exhibit "A" attached hereto, hereby referred to and made apart hereof by reference. Said description or delineation includes the following: a reference to a map, which shows the roadway or easement to be vacated. Said map is on file in the office of the City Engineer of the City of Milpitas.

4. Notice is hereby given that on November 15, 2005, at the hour of 7:00 p.m., or as soon thereafter as the matter can be heard, the City Council will hold a public hearing in the City Council Chambers, City Hall, 455 East Calaveras Blvd., Milpitas, California, for the purpose of hearing all persons interested in the proposed vacation.

5. The City Council further declares its intention to vacate only such portions of the subject roadway easement, roadway dedication, and public service utility easements as are specifically described and delineated in this Resolution, and then, to reserve and except from vacation an easement for public service utility easement purposes, and to reserve and except from vacation an easement for (SBC) Pacific Bell Telephone in the areas as described and depicted on Exhibit "A", and other exceptions as the Council may determine.

6. This Resolution shall be published for at least two successive weeks in the Milpitas Post, a weekly newspaper of general circulation in the City of Milpitas. The last publication shall precede the hearing and the hearing shall be at least 15 days after the adoption of this resolution. This resolution shall be posted in accordance with the requirements of the Streets and Highways Code 8323.

PASSED AND ADOPTED THIS ____ day of October 2005, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

EXHIBIT "A"

Weller Lane and Winsor Street To Be Vacated

All of that certain real property situate in the City of Milpitas, County of Santa Clara, State of California, being portion of Weller Lane and Winsor Street, described as follows:

Beginning at the point of intersection of the westerly right of way line of the Union Pacific Railroad Company (formerly Southern Pacific Railroad Company) with the southerly right of way line of North Main Street (formerly San Jose-Oakland Road), said point of Beginning being also the Northernmost corner of Parcel Two as described in the Grant Deed conveyed to Apton Properties, LLC recorded February 4, 2003 under Document No. 16822346, Santa Clara County Official Records; thence from said point of Beginning along the westerly right of way of the Union Pacific Railroad Company, South 10°33'15" East, 503.51 feet to the northeasterly corner of the Lands of the City of Milpitas as described in the Grant Deed to the City of Milpitas in Book 4255 of Official Records of Santa Clara County, Page 455; thence leaving said westerly right of way line and along the northwesterly line of said Lands of the City of Milpitas (4255 O.R. 455), South 75°51'45" West, 27.32 feet to a point in the easterly line of former Winsor Street, and being the **TRUE POINT OF BEGINNING** of this description; thence leaving said point the following two (2) courses:

- 1) North 10°33'15" West, 114.48 feet;
- 2) South 79°18'58" West, 242.97 feet to the beginning of a non-tangent curve to the right, concave to the east, having a radius of 469.98 feet, from said point of radial line bears North 86°33'05" East;

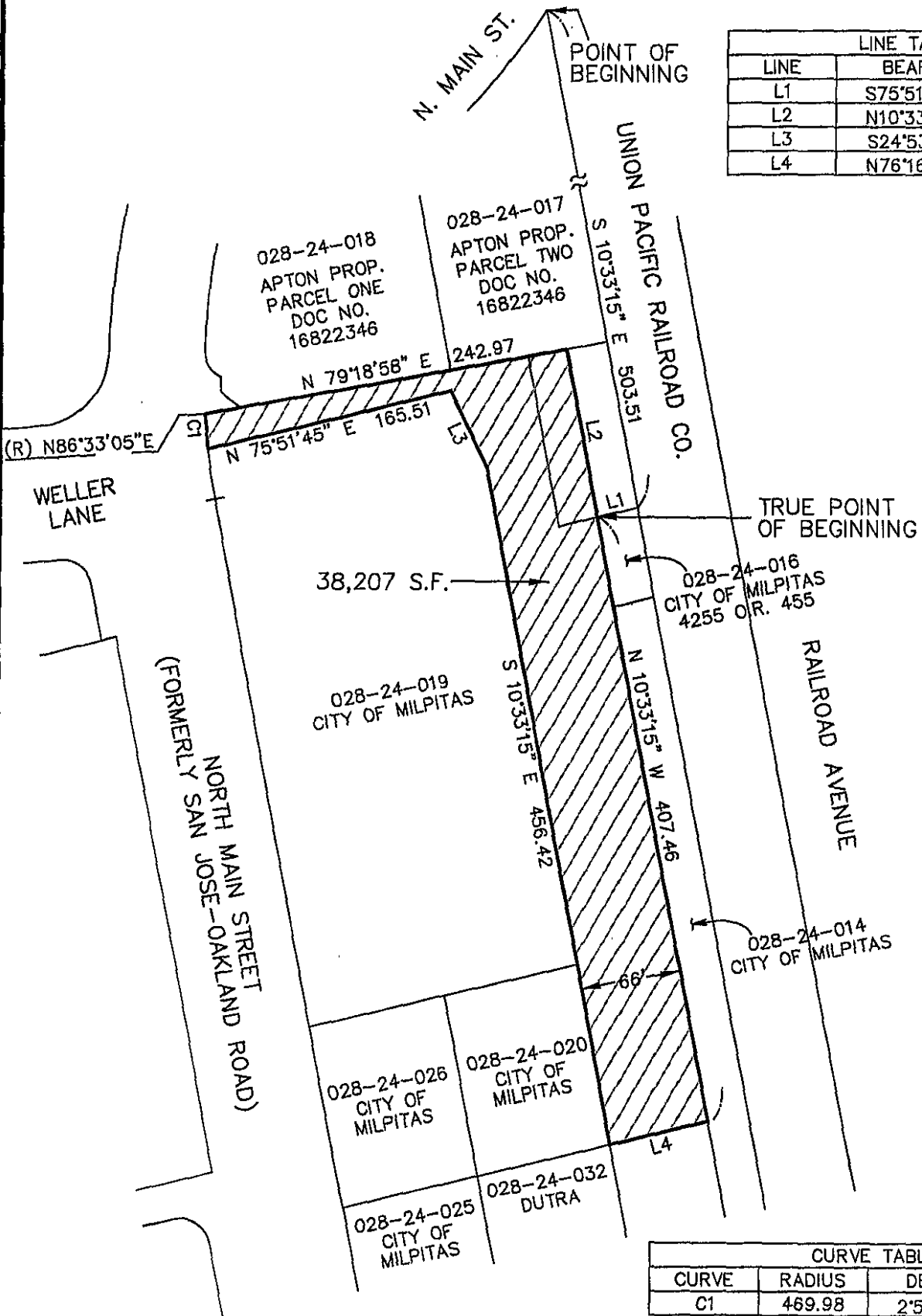
thence southerly along said curve, through a central angle of 02°54'03" and an arc length of 23.79 feet to the northwesterly corner of the lands of City of Milpitas, as described the Grand Deed to Milpitas Redevelopment Agency, recorded November 10, 2004 under Document No. 18093705, Santa Clara County Official Records; thence leaving said easterly line of said North Main Street, along the southeasterly line of former Weller Lane and the southwesterly line of Winsor Street the following three (3) courses;

- 1) North 75°51'45" East, 165.51 feet;
- 2) South 24°53'15" East, 57.07 feet;
- 3) South 10°33'15" East, 456.42 feet to the southeasterly corner of the land of City of Milpitas as described the Grand Deed to _____, recorded _____ in Document No. _____, Santa Clara County Records;

thence leaving said corner and said southwesterly line of Winsor Street North 76°16'48" East, 66.09 feet to the northeasterly line of said Winsor Street; thence along the northwesterly line North 10°33'15" West, 407.46 feet to the **TRUE POINT OF BEGINNING** of this description.

Containing 38,207 square feet, more or less.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S75°51'45"W	27.32
L2	N10°33'15"W	114.48
L3	S24°53'15"E	57.07
L4	N76°16'48"E	66.10



CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	469.98	2°54'03"	23.79



981 RIDDER PARK DRIVE
 SUITE 100
 SAN JOSE, CA 95131
 408-467-9100
 408-467-9199 (FAX)

Subject LANDS TO BE VACATED
WINSOR ST AND WELLER LN, MILPITAS
 Job No. 20056022-10
 By MCW Date 10-11-05 Chkd. MWB
 SHEET 1 OF 1

DRAWING NAME: K:\ENG\2005\056022\WINSOR ST AND WELLER LN.MXD
 PLOT TIME: 10-11-05 10:11:05
 PLOTTED BY: WMB

EXHIBIT "A"
Public Service & Utility Easement

All of that certain real property situate in the City of Milpitas, County of Santa Clara, State of California, described as follows:

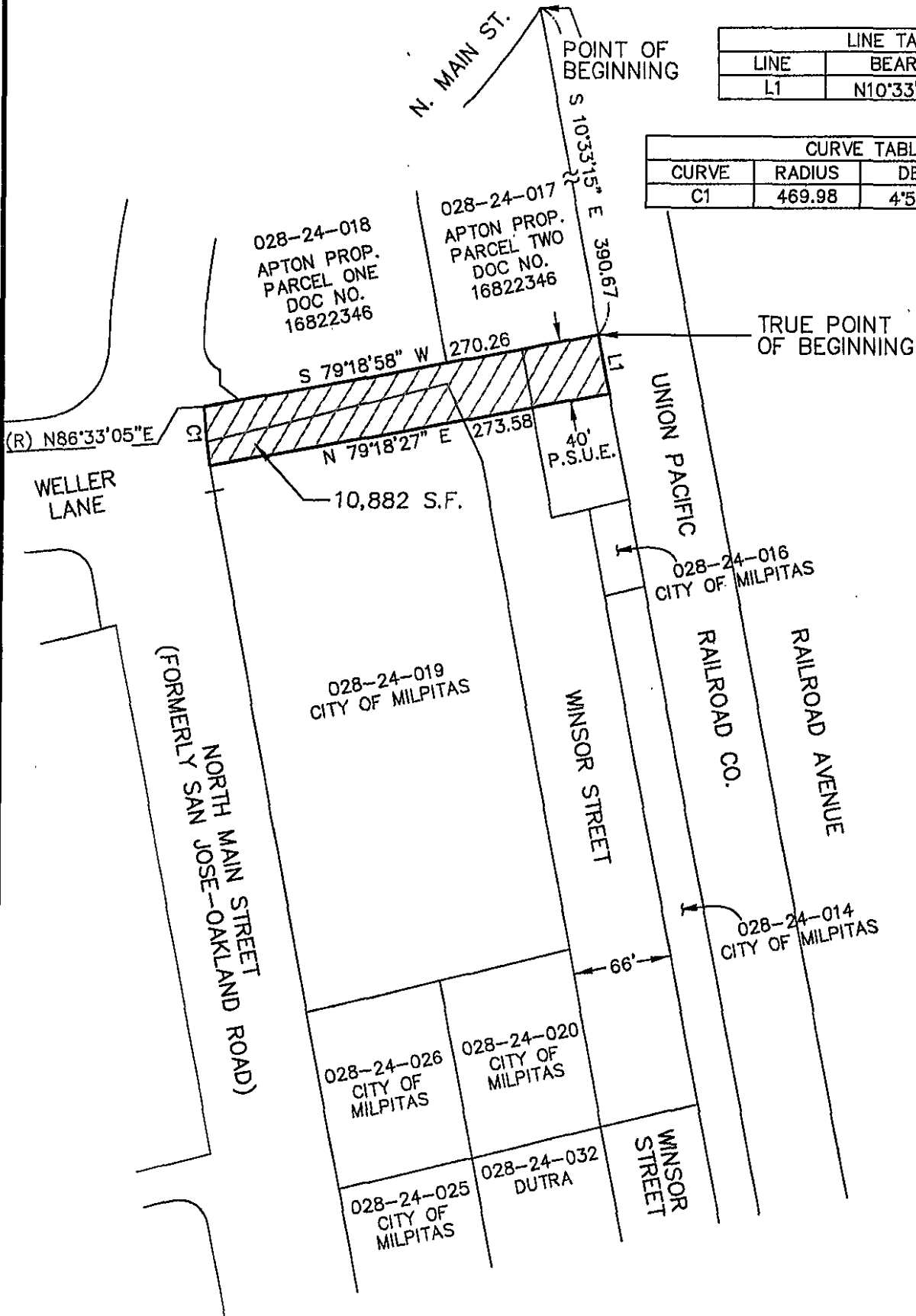
Being a portion of the Lands of the City of Milpitas, more particularly described as follows:

Beginning at the point of intersection of the westerly right of way line of the Union Pacific Railroad Company (formerly Southern Pacific Railroad Company) with the southerly right of way line of North Main Street (formerly San Jose-Oakland Road), said point of Beginning being also the northernmost corner of Parcel Two as described in the Grant Deed conveyed to Apton Properties, LLC recorded February 4, 2003 under Document No. 16822346, Santa Clara County Records; thence from said Point of Beginning along the easterly line of said Parcel Two, South 10°33'15" East, 390.67 feet to a point on said easterly line of said Parcel Two and being the **TRUE POINT OF BEGINNING** of this description; thence leaving said point South 79°18'58" West, 270.26 feet to the beginning of a non-tangent curve, concave to the east, having a radius of 469.98 feet, from said point of radial line bears North 86°33'05" East; thence southerly along said curve, through a central angle of 04°53'42" and for an arc length of 40.15 feet to a point on said easterly right of way line of North Main Street; thence leaving said lines North 79°18'27" East, 273.58 feet to said westerly right of way line of the Union Pacific Railroad Company; thence along said right of way line North 10°33'15" West, 39.96 feet to the **TRUE POINT OF BEGINNING** of this description.

Containing 10,882 square feet, more or less.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N10°33'15"W	39.96

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	469.98	4°53'42"	40.15



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SUITE 100
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408-467-9100
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WELLER LN, MILPITAS
Job No. 20056022-10
By MCW Date 10-11-05 Chkd. MWB
SHEET 1 OF 1

EXHIBIT "A"
SBC Utility Easement

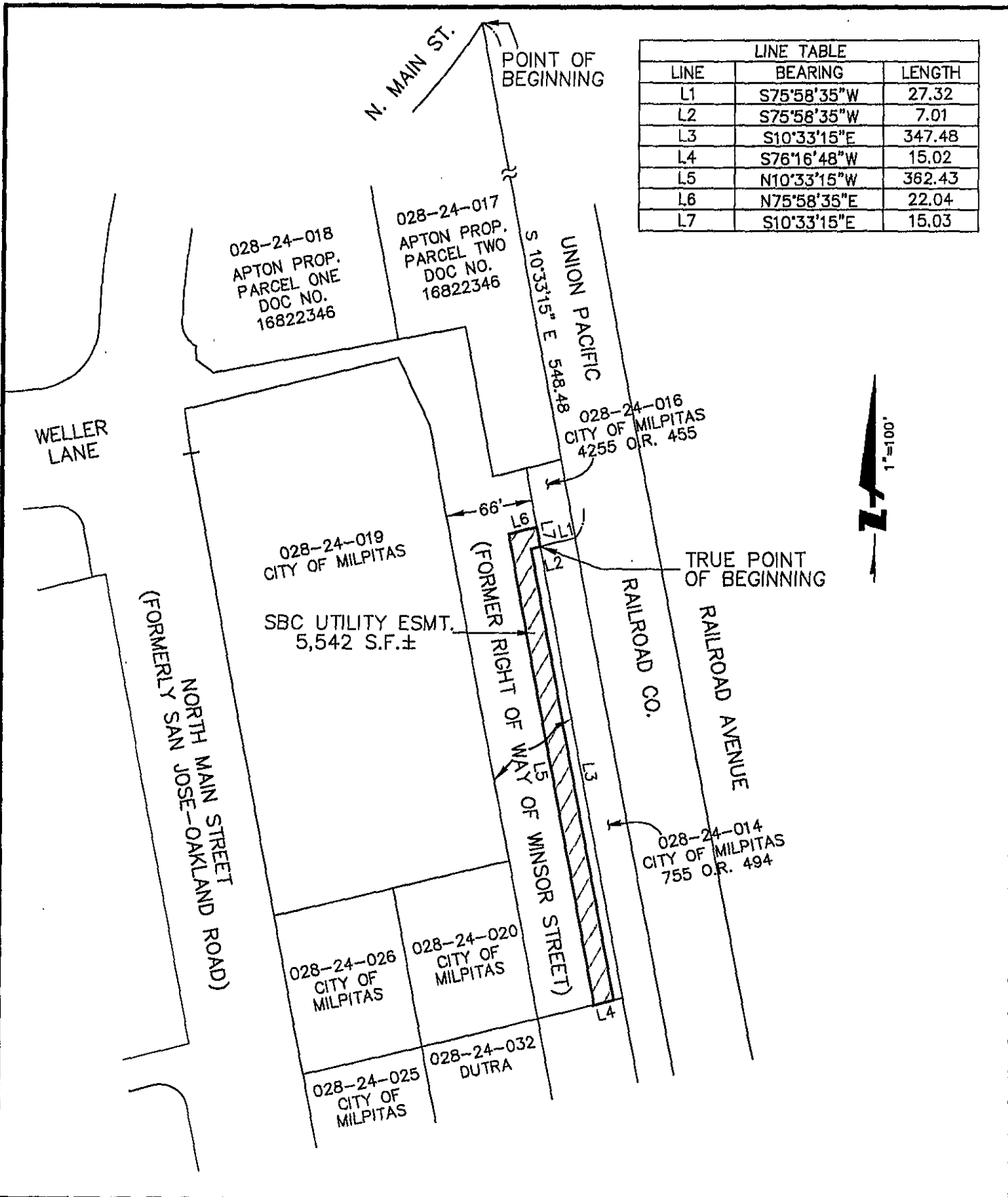
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Containing 5,542 square feet, more or less.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S75°58'35"W	27.32
L2	S75°58'35"W	7.01
L3	S10°33'15"E	347.48
L4	S76°16'48"W	15.02
L5	N10°33'15"W	362.43
L6	N75°58'35"E	22.04
L7	S10°33'15"E	15.03



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Subject SBC UTILITY EASEMENT
WINSOR ST, MILPITAS
Job No. 20056022-10
By MCW Date 10-11-05 Chkd. MWB
SHEET 1 OF 1

DRAWING NO. 20056022-10
 PLOT FILE: 20056022-10
 PLOT BY: [illegible]
 DATE: 10-11-05